

MOTION FILED

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No. 90-1491

IN THE
Supreme Court of the United States
OCTOBER TERM, 1991

UNION BANK,

Petitioner,

v.

HERBERT WOLAS, CHAPTER 7 TRUSTEE FOR THE ESTATE
OF ZZZZ BEST CO., INC.,

Respondent.

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

APPLICATION OF THE AMERICAN BANKERS
ASSOCIATION FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE OUT OF TIME

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**APPLICATION OF THE AMERICAN BANKERS
ASSOCIATION FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE OUT OF TIME**

The American Bankers Association hereby respectfully moves for leave to file a brief as amicus curiae out of time in the above entitled case.

Rule 37.3 of the Supreme Court rules provides that an amicus curiae brief may be filed, with the consent of the parties, within the time allowed for filing of the brief of the party supported. In this case, by order dated June 12, the time for filing of the Petitioner's Brief was set as July 9. Through sheer inadvertence, your amicus misread and transposed the dates, so as to believe, in good faith, that the order was dated June 9 and the brief due July 12, and the brief of

the American Bankers Association as amicus curiae in support of the Petitioner was filed on that date.

The issues raised by this case are of such importance to lenders as to have drawn a number of amicus curiae briefs from interested organizations and of sufficient importance for this Court to have granted certiorari. The amicus curiae brief submitted by the American Bankers Association complies with the provisions of Rule 37.1 in that it brings to the attention of the Court relevant matter that has not already been brought to its attention by the parties. It should not be disregarded because of an inadvertent delay in filing of only three days, where such a delay could not conceivably prejudice any party or delay or impede the ultimate disposition of this case.

WHEREFORE, the American Bankers Association respectfully moves for leave to file a brief as amicus curiae out of time and that the Court accept for filing the brief submitted on July 12.

Respectfully submitted,

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